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11 *Romeo Aranas, James Dzurenda*  
12 *and Jerry Howell*

13 ESTEBAN HERNANDEZ,  
14 vs.  
15 Plaintiff,  
16 WARDEN HOWELL, et al.,  
17 Defendants.

18 Case No. 2:18-cv-01449-MMD-CLB  
19 **ORDER GRANTING**  
20 **MOTION FOR EXTENSION OF TIME**  
21 **TO FILE DISPOSITIVE MOTION (ECF**  
22 **NO. 42)**

23 Defendants, Romeo Aranas, James Dzurenda and Jerry Howell, by and through counsel, Aaron  
24 D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney  
25 General, hereby move this Court for an extension of time to file dispositive motions. (ECF No. 42)  
26 This Motion is made and based upon the attached Points and Authorities, the papers and pleadings on  
27 file herein, and such other and further information as this Court deems appropriate.

28 **MEMORANDUM OF POINTS AND AUTHORITIES**

29 **I. FACTUAL HISTORY**

30 Plaintiff, Esteban Hernandez, (Plaintiff) is an inmate under the custody of the Nevada  
31 Department of Corrections, and currently housed in the Southern Desert Correctional Center  
32 (SDCC). Plaintiff alleges that in 2006, he was diagnosed with hepatitis C, but he was not notified  
33 of the diagnosis until 2012. (ECF No. 1-1 at 4) He claims the medical staff of the NDOC failed to  
34 do yearly testing to monitor Plaintiff's HEP C. (Id.) Plaintiff claims the defendants refused to treat  
35 his HEP C because he wasn't sick enough. (Id. at 3) Plaintiff contends that his condition continues

1 to worsen because he is not receiving treatment, and he has suffered mental, emotional, and  
 2 physical damage. (Id. at 4).

3 Based on these allegations, Plaintiff sues Warden Howell, Dr. Aranas, James Dzurenda,  
 4 NDOC, and SDCC. He raises a single claim under the Eighth Amendment for deliberate  
 5 indifference to his serious medical needs, seeking monetary damages and additional treatment. (Id.  
 6 at 4, 9)

7 On Screening, Plaintiff was allowed to proceed an Eighth Amendment violation based on  
 8 his current claim of failure to treat his HEP C against Defendants Howell, Aranas and Dzurenda.  
 9 (ECF No. 4 at 6:9) On February 17, 2021, this Court issued a scheduling order. (ECF No. 42).  
 10 The scheduling order set forth a date of June 17, 2021 for the filing of dispositive motions.  
 11 Subsequent, Plaintiff filed an amended complaint on April 26, 2021. (ECF No. 50). He also filed a  
 12 motion for scheduling conference. (ECF No. 52). This Court has scheduled a motion hearing for  
 13 June 30, 2021. (ECF No. 56). As this is after the deadline for dispositive motion in this case, the  
 14 Defendants request an extension of time for filing dispositive motions until after the motion  
 15 hearing. Judicial resources would be better spent by having a briefing period after the additional  
 16 discovery period, if ordered by this Court at the motion hearing.

## 17 **II. LEGAL ANALYSIS**

18 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and  
 19 provides as follows:

20 When an act may or must be done within a specified time, the  
 21 court may, for good cause, extend the time: (A) with or without  
 22 motion or notice if the court acts, or if a request is made, before  
 23 the original time or its extension expires; or (B) on motion made  
 24 after the time has expired if the party failed to act because of  
 25 excusable neglect.

26 Defendants' request is timely and will not hinder or prejudice Plaintiff's case,  
 27 but will allow for a thorough opportunity to brief a dispositive motion. The requested  
 28 extension of time should permit the Defendants time to adequately research, draft,  
 and submit a well briefed dispositive motion in this case. Defendants assert that the  
 requisite good cause is present to warrant the requested extension of time. In light of

1 this situation, it is respectfully asserted that a short extension is warranted. This is particularly true  
2 if the Court is favorably disposed to Plaintiff's request for additional time.

3 **III. CONCLUSION**

4 Defendants asserts that the requisite good cause and extenuating circumstances are present  
5 to warrant the requested extension of time. Therefore, the Defendants requests an extension of time  
6 to file their dispositive motion, from the current deadline of June 17, 2021, until following the  
7 motion hearing.

8 DATED this 14th day of June, 2020.

9 AARON D. FORD  
10 Attorney General

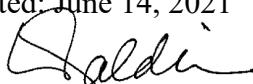
11 By: /s/ Douglas R. Rands  
12 DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General

13 *Attorneys for Defendants*

14  
15 **Good cause appearing, the court grants  
16 the motion. The court will enter new  
17 deadlines applicable to this case, including  
the dispositive motion deadline, at the  
motion hearing set for June 30, 2021.**

18 **IT IS SO ORDERED.**

19 Dated: June 14, 2021

20   
21 Carla Baldwin  
22 United States Magistrate Judge